

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOSE RODRIGUEZ,

Case No. 2:19-cv-01644-KJD-NJK

Plaintiff,

ORDER

MICHAEL NIEVES et al.,

## Defendants.

10 This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983  
11 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. Docket  
12 No. 8. Based on the financial information provided, the Court finds that Plaintiff is unable to  
13 prepay the full filing fee in this matter.

14 The Court entered a screening order on August 24, 2020. Docket No. 9. The screening  
15 order imposed a 90-day stay and the Court entered a subsequent order in which the parties were  
16 assigned to mediation by a court-appointed mediator. Docket Nos. 9, 14. The Office of the  
17 Attorney General has filed a status report indicating that settlement has not been reached and  
18 informing the Court of its intent to proceed with this action. Docket No. 23.

19 For the foregoing reasons, **IT IS ORDERED** that:

20       1. Plaintiff's application to proceed *in forma pauperis*, Docket No. 8, is **GRANTED**.  
21 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event this action  
22 is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

23       2. The movant herein is permitted to maintain this action to conclusion without the  
24 necessity of prepayment of any additional fees or costs or the giving of security therefor. This  
25 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service  
26 of subpoenas at government expense.

1       3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the  
2 Nevada Department of Corrections will forward payments from the account of **Jose Rodriguez,**  
3 **#1139330** to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
4 month's deposits (in months that the account exceeds \$10.00) until the full \$350 filing fee has been  
5 paid for this action. The Clerk of the Court will send a copy of this order to the Finance Division  
6 of the Clerk's Office. The Clerk will send a copy of this order to the attention of **Chief of Inmate**  
7 **Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson City, NV 89702.

8       4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
9 of Plaintiff's complaint, Docket No. 10, on the Office of the Attorney General of the State of  
10 Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not  
11 indicate acceptance of service.

12       5. Service must be perfected no later than **May 17, 2021**, pursuant to Fed. R. Civ. P.  
13 4(m).

14       6. Subject to the findings of the screening order, Docket No. 9, no later than **March**  
15 **9, 2021**, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a)  
16 the names of the defendants for whom it accepts service; (b) the names of the defendants for whom  
17 it does not accept service, and (c) the names of the defendants for whom it is filing the last-known-  
18 address information under seal. As to any of the named defendants for whom the Attorney  
19 General's Office cannot accept service, the Office shall file, under seal, but shall not serve the  
20 inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such information.  
21 If the last known address of the defendant(s) is a post office box, the Attorney General's Office  
22 shall attempt to obtain and provide the last known physical address(es).

23       7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file  
24 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying  
25 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General  
26 has not provided last-known-address information, Plaintiff shall provide the full name and address  
27 for the defendant(s).

8. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint, Docket No. 10, no later than **April 19, 2021**.

9. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service when required.

10. This case is no longer stayed.

DATED: February 16, 2021.

NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE